



City of Las Vegas
Department of Community Development
c/o Seth Floyd, Director
495 S. Main St.
Las Vegas, NV 89101

Re: **Justification Letter | PreApp 22-0521**
Site Development Plan Review | Rezoning | Special Use Permit | Waiver | Variance
Acquisition Commons LLC | CEDARst Companies' Project in the Design District

Dear Seth,

Acquisition Commons, LLC (dba Cedar Street Development), the Applicant, respectfully submits this justification letter in support of its site development plan review, rezoning, special use permit, and variance request, as more particularly set forth below.

Project Generally

Cedar Street proposes to develop a 7-story, multi-family project with approximately 311 residential units, a ground floor lobby with retail, and podium parking ("the Project"). As currently contemplated, the parking podium will include two stories above grade located on the first and second-floor levels and a partial basement level. The first floor will also include the lobby, commercial business, and fire protection room. Part of the second floor and all upper floors (i.e., 3 through 7) will include approximately 311 units and project amenities.

The Property—situated within City Council Ward 3 (CW Olivia Diaz)—is located west of Commerce Street between West Colorado Avenue and W. Imperial Avenue. The Project further contemplates the removal of all industrial uses and the creation of multi-family apartments and retail.

Rezoning and Special Use Permit

The Property is currently zoned M, Industrial District. The Applicant is proposing to re-zone the site to C-PB (Planned Business Park, LVMC 19.12.010 and 19.08.085) as such a zoning classification would allow multi-family residential and retail and would also be a conforming zone change. The proposed residential mixed-uses require the issuance of a Special Use Permit ("SUP"), which Cedar Street is contemporaneously submitting with this application. Pursuant to LVMC 19.12.070, which lists the requirements for an SPU in support of a mixed-use within a C-PB zone, this justification letter sets forth the following:

1. The planned residential use is permitted within C-PB Zoning District via Special Use Permit.
2. N/A.
3. All commercial uses contemplated within the project (approximately 5,009 square feet total) and their corresponding entryways will be located at the ground level fronting primary public rights-of-way (specifically Commerce Street).
4. No residential uses are proposed on the ground floor.
5. All parking will be structured and screened from the view of the adjacent rights-of-way.

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Waivers

In addition, the Applicant is requesting four (4) waivers of LVMC, with detail and justifications outlined below:

- 1) **Reduction in building set-back along Commerce Street:** Given the substantial existing pedestrian right-of-way and similar set-back conditions establishing precedent within the district, Cedar Street proposed providing 3'-5 ½" (north) and 0' – 3 ½" (south) in lieu of the 10' required by code.
- 2) **Total required parking:** Applicant is currently indicating 326 parking spaces within the building, of which 8 will be ADA. This provided parking to the residential unit ratio of 1.05:1 which is deemed to be market and sufficient for proposed uses but is below the 460 required by code. The location and size of the property do not lend themselves to the construction of 460 required spots. Furthermore, (1) per Appendix F(C)(1)(c), the parking standards of 19.08 do not automatically apply, (2) project parking ratios are consistent with the 2045 Downtown Master Plan that seeks to foster "a compact, vibrant, urban environment, with a focus on higher density mixed-use development around transit hubs and activity nodes," and (3) project parking is consistent with the Form Base Code which is understood to be forthcoming in the Design District.
- 3) **Waiver of maximum compact parking space percentage:** Applicant requests utilization of 35% compact spaces, above the 30% maximum allowed for by code, to accommodate a widened western drive aisle and ensure the retail and lobby depths on the eastern edge of the property are market standard.
- 4) **Extending maximum building height from 5 to 7 stories:** To ensure project financial viability, Applicant requests utilization of the waiver provided for in Appendix F(C)(1)(iii) Interim Downtown Las Vegas Redevelopment Standards which states that the height restrictions under 19.08.085 (5 stories for C-PB) do not apply. In support of this request, Applicant references (1) the project is consistent with the City's 2045 Downtown Master Plan, (2) the project is consistent with the FBC which is understood to be forthcoming in the Design District, and (3) the project addresses the significant housing shortage constraints facing the City.

Variance

Lastly, the Applicant is seeking a variance of LVMC 19.08.110.C with detail and justifications outlined below:

- 1) **Reduction in drive aisle width:** Given the private nature of the drive aisle and the robust provision of ingress/egress travel pathways, Applicant proposes the westernmost drive aisle be approved at 22' in width (at its thinnest) in lieu of the 24' required by code. Per the Site Plan, the unique and awkward sloping nature of the site makes meeting the 24' requirement on the far NW corner of the site economically unfeasible. The Applicant did, however, take all necessary and reasonable steps to design and position the entire Project so that the drive aisle could be maximized: 25'-4 ¼" (SW corner) to 22' (NW corner). Because this Variance applies only to a limited portion (NW corner) of the drive aisle that falls under the 24' requirement, the Applicant respectfully submits that the City approves this request. In addition, the drive aisle does not face or abut a *public* right away but a *private* right away that is merely used as a collector aisle rather than the main thoroughfare; thus, it does not implicate any public safety issues or traffic issues.

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Considering the foregoing, the Applicant requests that Staff recommend approval, and the Planning Commission and City Council approve its Site Plan, Zoning Request, Waivers, Variance, and Site Development Plan.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Heffron", with a long, sweeping horizontal stroke extending to the right.

Mark Heffron
Managing Partner, *Cedar Street Companies*
Authorized Signatory, *Acquisition Commons, LLC*

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